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Message Text

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ACTION L-03

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----------221455 129806 /53
R 221340Z FEB 77
FM USMISSION GENEVA
TO SECSTATE WASHDC 5367
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 1260

E.O. 11652: GDS
TAGS: PARM, ICRC, SU
SUBJECT: U.S.-USSR CONSULTATIONS ON LAWS OF WAR

1. SUMMARY: U.S. AND SOVIET DELEGATIONS TO GENEVA CONFERENCE ON LAWS OF WAR HELD BILATERAL CONSULTATIONS IN MOSCOW ON FEB. 18. TALKS WERE CONDUCTED IN EXTREMELY FRIENDLY AND COOPERATIVE ATMOSPHERE AND REVEALED SIMILARITY OF VIEW ON VIRTUALLY EVERY SUBJECT, EXCEPT REPRISAL. ON CONVENTIONAL WEAPONS ISSUES SOVIET POSITION HAS EVOLVED CLOSER TO U.S. POSITIONS. IT WAS AGREED TO KEEP IN TOUCH THROUGH U.S. EMB. MOSCOW ON FURTHER DEVELOPMENTS AND ANY CHANGES OF POSITION BETWEEN NOW AND OPENING OF WORK OF MAIN CONFERENCE COMMITTEES IN GENEVA ON APRIL 14. END SUMMARY.

2. AS PREVIOUSLY ARRANGED, U.S. REPS TO GENEVA CONFERENCE (ALDRICH, ANDERSON, REED, BOWDEN, AND STAPLES) VISITED MOSCOW FOR BILATERAL CONSULTATIONS WITH SOVIET DEL. ON FEB. 18. FRIENDLY ATMOSPHERE WAS FORESHADOWED BY AIRPORT GREETING BY VIRTUALLY ENTIRE DOVIET DEL., LED BY AMB. GRIBANOV, AND CONTINUED THROUGH FULL DAY MEETING INCLUDING LUNCH HOSTED BY MFA LEGAL ADVISOR KHLESTOV. FACT THAT US DEL CAME TO MOSCOW
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SEEMED MORE IMPORTANT TO SOVS THAN OPPORTUNITY TO EXCHANGE VIEWS ON CONFERENCE AND SEEMED TO BE TAKEN AS VERIFICATION THAT DETENTE STILL WORKING. SOVS. SEEMED PARTICULARLY PLEASED BY ALDRICH STATEMENT THAT HE HAD DISCUSSED TRIP WITH SECRETARY VANCE, THAT SECRETARY HAD WELCOMED CONTINUED CLOSE U.S.-USSR COOPERATION ON THIS SUBJECT, AND THAT SECRETARY HAD ASKED

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ALDRICH TO MAKE CLEAR THAT, ALTHOUGH USG MUST
CONTINUE TO SPEAK OUT FROM TIME TO TIME ON HUMAN
RIGHTS ISSUES, WE DID NOT INTEND TO DO SO IN WAY
THAT AMOUNTED TO ATTACK ON USSR. EMB. MOSCOW MAY WISH
TO COMMENT ON THIS PART OF REPORT.

3. ON PROCEDURAL QUESTIONS, SOVS. SUGGESTED THAT
(A) CONFERENCE BUREAU COULD MONITOR WORK OF MAIN
COMMITTEES AND PROD WHERE NECESSARY, (B) TIME LIMITS
SHOULD BE PLACED ON INTERVENTIONS, (C) SOME
PROVISIONS (UNSPECIFIED) MIGHT WELL BE TRANSFERRED
FROM FIRST TO THIRD COMMITTEES, AND (D) DRAFTING
COMMITTEE SHOULD AVOID ANY CHANGES IN SUBSTANCE OF
TEXTS. SOVS EXPRESSED HOPE THAT PROTOCOLS WOULD
REMAIN OPEN FOR SIGNATURE FOR PERIOD OF SIX THROUGH
TWELVE MONTHS, IMPLYING THAT USSR WOULD HAVE TO REVIEW
DOCUMENTS CAREFULLY PRIOR TO SIGNATURE. U.S. DEL
SAID THAT IT HOPED CONFERENCE WOULD CONCLUDE IN
JUNE WITH SIGNATURE ONLY OF FINAL ACT AND THAT PROTOCOLS
WOULD BE OPENED FOR SIGNATURE ONLY SUBSEQUENTLY. U.S.
DEL NOTED THAT WE WOULD ALSO DESIRE 6-12 MONTH PERIOD IN
WHICH TO MAKE FINAL DECISION ON SIGNATURE.

4. WITH RESPECT TO COMMITTEE ONE, SOVS CLEARLY UN-
HAPPY AT NEWS THAT OFSTAD LIKELY TO RETURN AS CHAIRMAN
AND SUGGESTED THAT OUR TWO DELS WORK TOGETHER, AS
WE HAD LAST YEAR ON ARTICLE 74 CONCERNING GRAVE
REACHES, TO SETTLE COMPLEX COMMITTEE ONE ISSUES
RESPONSIBLY. WE AGREED. IT WAS ALSO AGREED THAT
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EMPHASIS SHOULD BE GIVEN TO ADOPTION OF NECESSARY FINAL
ARTICLES AND THAT RESERVATIONS SHOULD BE PERMITTED.
WE ASKED SOV AQUIESENCE IN ARTICLE ON ENQUIRY COMMISSION
IN RETURN FOR OUR ASSURANCE THAT WE WOULD MAKE ACCEPTANCE
OF IT OPTIONAL. THEY SAID THEY PREFERRED NO ARTICLE
ON THE SUBJECT BUT WOULD NOT OPPOSE AN OPTIONAL
ARTICLE. ON REPRISALS, SOVS DISAGREED WITH US AND
WILL CONTINUE TO OPPOSE FRENCH PROPOSAL FOR ARTICLE 74
BIS AND WILL PROBABLY OPPOSE EFFORTS TO DELETE
DURING FINAL PLENARIES ANY SPECIFIC PROHIBITIONS OF
REPRISAL.

5. ON COMMITTEE TWO, WE AGREED THAT RELIEF SEEMED
TO POSE NO REAL PROBLEMS. WE GAVE THEM COPIES OF NEW
NORDIC AMENDMENTS ON CIVIL DEFENSE AND TOLD THEM
THAT THESE AMENDMENTS ENJOYED VERY BROAD SUPPORT AMONG
WESTERN COUNTRIES. THEY AGREED TO COMMUNICATE TO US
LATER THEIR VIEWS AFTER STUDYING THE TEXTS. IN
INFORMAL SIDE DISCUSSIONS AT LEAST ONE SOV REP,

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PROF. BLISHENKO, EXPRESSED AGREEMENT THAT ARMED CIVIL
DEFENSE PERSONNEL, WHETHER MILITARY OR CIVILIAN, COULD NOT RECEIVE SP
ECIAL PROTECTION IN AREAS OF
GROUND COMBAT

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 1260

6. ON COMMITTEE THREE, SOVS SAID THEY WERE PREPARED TO ACCEPT WORKING GROUP PROPOSAL ON ARTICLE 42 CONCERNING GUERRILLAS AND HOPED THAT IT WOULD RECEIVE PROMPT CONSENSUS. THEY EXPRESSED CONTINUING RESERVATIONS ON MERCENARIES PROPOSAL, NOTING THAT DEFINITION WAS KEY AND WAS EXTREMELY DIFFICULT. THEY SHARE OUR CONCERNS ABOUT ANY PROVISION ON OIL INSTALLATIONS. WE GAVE THEM AN INFORMAL DRAFT RESOLTUION ON THIS SUBJECT PREPARED BY GENERAL REED. THEY AGREED THAT A RESOLUTION WAS PREFERABLE TO AN ARTICLE AND AGREED TO COMMENT ON DRAFT AFTER FURTHER STUDY. THEY AGREED TO US PROPOSAL TO MEET DURING CONFERENCE WITH SMALL GROUP OF WEO REPS TO WORK OUT TEXT OF PROVISION (PREFERABLY THEY SAID IN PREAMBLE) ON AGGRESSION AND NONDISCRIMINATION.

7. MOST INTERESTING RESULTS OF CONSULTATION CONCERNED AD HOC COMMITTEE ON CONVENTIONAL WEAPONS. SOV POSITION HAS HARDENED. ON SUBSTANCE, THEY STATED THAT UK LAND MINE PAPER, WHICH ENJOYED BROAD SUPPORT AT LAST SESSION, WAS UNACCEPTABLE BECAUSE NOT ALL COUNTRIES HAD SELF DESTRUCT MECHANISMS, AND THEY
SAID THAT THEIR POSITION ON NAPALM HAD BEEN RECONSIDERED AND THAT THEY COULD NO LONGER SUPPORT A TOTAL
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BAN ON ITS USE. THEY INDICATED GREAT INTEREST IN WHETHER U.S. COULD ACCEPT PARTIAL RESTRICTION ON USE OF NAPALM AND IMPLIED THAT THEY COULD IF WE COULD. ALDRICH SAID U.S. POSITION WOULD PROBABLY NOT BE CERTAIN UNTIL EARLY APRIL BUT EXPRESSED PERSONAL VIEW THAT DUTCH PROPOSAL RESTRICTING USE IN URBAN AREAS MIGHT BE ACCEPTABLE. ON THIS, AS ON OTHER ISSUES, WE AGREED TO KEEP IN TOUCH THROUGH EMB. MOSCOW BETWEEN NOW AND APRIL.

8. ON PROCEDURE OF AD HOC COMMITTEEE, SOVS SAID THEY COULD ACCEPT FORMATION OF WORKING GROUP BUT WANTED IT TO MEET ONLY DURING PART OF THE CONFERENCE SESSION (PREFERABLY AFTER COMMITTEE THREE FINISHES ITS WORK). SOVS WANT PRODUCT OF COMMITTEE TO BE STATEMENTS OF PRINCIPLE, SHOWING AREAS OF AGREEMENT AND DISAGREEMENT, RATHER THAN DRAFT TREATY TEXTS, AND SUGGESTED THAT WE COULD, AS CONCESSION, AGREE TO A CONFERENCE RESOLTUION TRANSMITTING THESE PRINCIPLES TO GOVERNMENTS AND TO THE UNITED STATES.

COMMENT: US REPS THINK RESOLUTION PROPOSAL IS INTERESTING AND WILL DISCUSS IT WITH OTHER ESTERN DELS DURING LIAISON GROUP MEETING IN GENEVA ON FEB. 22.
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